

**TOWN OF YORK PLANNING BOARD
THURSDAY, JULY 11, 2002, 7:00 P.M.
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Chairman Al Bibb began the meeting at 7:00 P.M. Planning Board members Dave Marshall, Glenn Farrell, Barrie Munro, and alternate Dan Remick attended. Town Planner Steve Burns and Land Use Technician Brett Horr represented the staff. Patience Horton was the recording secretary. The meeting was televised.

ELECTION OF OFFICERS

In the annual election of officers, Glen Farrell nominated Barrie Munro as Chairman of the Planning Board. Barrie Munro nominated Glenn Farrell. Election by secret ballot included alternate Dan Remick's vote. Glen Farrell was elected Chairman. Then, Al Bibb nominated Dave Marshall as Vice Chair, for whom all voted in favor. Glenn Farrell conducted the remainder of the meeting.

MINUTES

Four sets of minutes were approved. Al Bibb moved to approve the May 9, 2002 Minutes. Dave Marshall seconded the motion. Everyone voted in favor of the motion. Al Bibb motioned to approve the May 23, 2002 Minutes, which Barrie Munro seconded, of which all voted in favor. Dave Marshall and Barrie Munro motioned and seconded to approve the June 13, 2002 Minutes, to which all agreed unanimously. Barrie Munro motioned, and Al Bibb seconded, to approve the June 27, 2002 Minutes, which also passed unanimously.

APPLICATIONS

Weare Family Condominium, Map 23/Lot 3, Railroad Avenue. Amendment of previously approved condominium conversion located in the BUS-3 Zone.

Steve Burns introduced the matter, describing three apartments that had been converted to condo ownership in 1999. The owners were requesting to make an outside stairway safer. Steve described the changes, including their direction off the landing. There were no concerns from the Fire Chief, and the Planning Office recommended approval. Chairman Farrell opened the Public hearing. Claude Bemis introduced himself as representative for Kevin and Donna Murphy, should any questions arise, but there were none. The public hearing was closed.

Barrie Munro moved to approve the request for changes, as submitted. Dan Remick seconded the motion. All voted in favor.

Enterprise Rent-a-Car, Map 91/Lot 8Y, U.S. Route One. Route One Use Permit and Site Plan Review for car franchise in the Route 103 Zone.

Brett Horr announced that the plans were not complete and suggested that the matter be tabled until the next meeting, July 18. Barrie Munro and Al Bibb moved and seconded to table the application. All voted in favor of the motion.

Sleeper Subdivision, Map 97/Lot 37, U.S. Route One. Application for a 2-lot subdivision in the Route 1-5 and RES-3 Zones.

Brett Horr introduced the matter, stating that the applicant was requesting guidance for the sketch plan of a 2-lot subdivision. Police had already told the applicant that they would not support an exit onto Route One, which would require approximately 700 square feet of fill for the driveway. That will ultimately require a waiver or realignment of the lot. Glenn Farrell opened the public hearing.

Brian Sleeper, the applicant, introduced himself. Kevin Dyer, an abutter, of Evergreen Lane stated concern about drainage, if the area is filled in for the driveway. Also, would the setback on the southern bend be violated? Would blasting create potential damage? With no one else to speak, Barrie Munroe and Al Bibb motioned and seconded to close the public hearing.

Glenn Farrell asked the applicant about the blasting and was told that it was not yet known if there will be blasting, and that nothing appears to need blasting at that point. Possibly the foundation will need it. The Chair asked about wetland fill. Al Bibb answered that they can fill for a crossing to buildable land, but drainage has to be addressed, and it cannot adversely affect the abutters. Barrie Munro suggested that the applicant be challenged to come up with an engineering plan. In plan notes, notification of abutters can be required for blasting. Steve Burns said that the State Fire Marshall regulates all blasting. Parcel A with two eventual transfers to abutters were mentioned, but not fully discussed. No vote was necessary in this matter.

York Hospital, Map 44/Lot 46. Change of non-conforming use and Site Plan review to add medical offices and rehab facilities in Long Sands Plaza located in the RES-1B Zone.

Discussion was preempted with a "search" for the location of a definition for "medical offices," which Barrie Munro said was not available, which Brett said was not specifically laid out, and which Steve Burns said was best found in the use tables, which he then quoted. The public hearing was opened. Steve Pelletier represented York Hospital, showing an elevation of the former hardware store and IGA in York Village Plaza. He listed his expectations regarding changes in traffic volume, parking, lighting, odors, litter, and other elements related to conducting a medical office and not a grocery store.

Patricia Martine of the York Housing Authority, which abuts the property, stated her belief that the location of this office will benefit the seniors who reside in her complex, especially because not only will the Heart and Health facility be there, but the physical therapy office, as well. The change of use is from one service to another and it is of benefit to the community.

Dwight Bardwell, of 56 Ridge Road, ½ mile away, said that it is awful looking at an empty shopping center. Just as the elderly shopped at the IGA, they will also benefit from this new use.

Barrie Munro and Dave Marshall motioned and seconded for one nonconforming use to be changed to another nonconforming use, specifically because the requirements of both roughly fit the same purposes. All voted in favor of the motion.

Walter Woods Route One Subdivision. Map 94/Lot 13. Preliminary, final approval and Shoreland Permit for a 2-lot subdivision located in the Route 1-2 and Shoreland Zones.

Brett Horr introduced the matter, saying that the waivers surrounding two areas, landscaping and a high intensity soil survey, were being sought. Mr. Woods wanted to show that the soils were suitable for the septic system. Brett recommended that the application be considered. Barrie Munro and Dave Marshall moved and seconded to open the public hearing. No one spoke. The public hearing was closed.

Barrie Munro moved to accept the application as complete. Dave Marshall seconded the motion. All voted favorably for the motion.

Al Bibb motioned to accept Waiver Requests 1 and 2 as outlined in Brett Horr's presentation. Barrie Munro seconded the motion. Everyone voted in favor of it.

Barrie voiced his concern that eighty percent of the vegetation is to remain in the buffer and that no vegetation will be removed from the setback area, except for what is taken because of grading and moving equipment. He asked if the plan notes that exist are to be attached to the final plan, and the answer was, yes.

Barrie Munro moved to approve the preliminary and final approval, including plan notes, conditional on satisfactory net buildable, the plan approval of the drainage report, and additional approval of the Town Engineer of the drainage report, as well as the inclusion of the plan note sheet. Al Bibb seconded the motion. All voted in favor of the motion.

The Ridge Subdivision. Map 38/Lot 4, Ridge Road. Final approval for a 12-lot subdivision on Ridge Road located in the GEN-3 Zone.

Brett Horr introduced the matter, saying that the applicant had addressed all the issues that the Board had asked them to address. The Planning Office recommended acceptance.

Barrie Munro motioned to accept the application as complete, for review. Dave Marshall seconded the motion, which was accepted unanimously.

Duane Jellison submitted a document of the good standing. The public hearing was opened.

Steve Bracciotti read a prepared letter, which was not given to the secretary for the record. He said he was concerned about traffic flow, and how the study from April cannot reflect the traffic of the summer. The runoff from the property concerned him, as does the loss of rural character. Would 6 or 8 homes be better? Can vegetation be preserved?

David Rocray, of 134 Ridge Road, said that the traffic study was limited in that it was taken mid-week, during rainy weather, when there were no tourists. In July, there are 8,000 cars in one day. He suggested a 40- to 45-MPH limit and recommended that there be plenty of sight distance coming out of the new driveways. He was concerned about the part of Ridge Road that is to be straightened, and he invited board members to spend time in his driveway to observe the traffic. He requested that a full traffic study be done during the high season, and he wanted to know what the sight line distance will be, saying that 350-400 feet are necessary.

Dwight Bardwell said that on his trip to Route One that same day, he had to make a series of right turns, instead of the shorter left, because he couldn't get out onto Ridge Road turning left. He couldn't imagine trying to battle traffic from the top of that hill in the summertime. He stressed again that having an access road across the eleven lots should be part of the proposal. Safety first. Police and flaggers need to be out there during construction. The sidewalk is not going to solve the problem.

Steve Bracciotti asked about the reconfiguration of the intersection. Glenn Farrell described how the builder would put money aside for the intersection. Speaking philosophically, Mr. Bracciotti asked the Board members to "come out from behind the ordinances. You have to find another way." Mr. Farrell explained that the ordinances were the tools the board uses to made decisions.

Walter Woods spoke as a developer and custom homebuilder who lives in the area. He was not against the developer and was in support of following the ordinances.

Dwight Bardwell asked if the escrowing of funds for the intersection would go through the same process that went with the Stop & Save's intersection with Route 91. Steve Burns answered that that project was different because it had been handed to DOT. At this intersection, the police and the public works department were determining what would be needed, including the island and a flashing light. The installation timing will be based on the schedule of Public Works's work program. Brett Horr added that \$25,000 is planned for one installation of the intersection, and more will be added, if a second one is necessary.

Mr. Rocray stated again that he is not impressed with the statistics that are being used in the traffic study, saying that no crashes occur in March, April, and May, but that in July, August, and September, they occur in the afternoon, with the least number on Wednesdays. Barrie Munro explained how statistics get adjusted with formulas to estimate numbers of seasonal crashes. Mr. Rocray understood that they extrapolate, but they do it on a generalized area. They don't understand the unique situation.

Steve Bracciotti said that a 46% increase is expected in the summer. He asked if the Board is satisfied with the quality of the information and whether a second summertime traffic analysis should be made. Glenn Farrell said that the result would always be that it is a bad intersection. Al Bibb said that the board is not satisfied with the numbers, but understands that it is a very dangerous intersection, unless it is repaired. The repair will improve the dangerous situation. The traffic from 11 homes will not add to the impact, but the people will have a difficult time getting in and out. That is true. Fixing the intersection is the most vital thing to do for the town. Barrie Munro said that they couldn't deny the application based on the capacity coefficient, however they can mitigate. The change in the configuration of the driveways, the intersection, and the sidewalks are elements in the plan that will receive further consideration.

Steve Bracciotti disagreed. The 11 homes will adversely affect the density of the neighborhood. Dwight Bardwell reminded the board of his concern about safety during construction. Walter Woods spoke of his 17-year-old daughter who drives that road every day. He suggested having three construction signs placed on the road to let people know there is construction. With no one else to speak, Dave Marshall and Barrie Munro motioned and seconded to close the public hearing.

Al Bibb said that for years, the Planning Board has pushed to get a new road installed into York Beach by York Wild Kingdom. In fact, in 1996, a corridor was put into the Route One Zone for an additional road into the Beach. However, one might not rely on that coming about, because the voters are most likely not going to vote for it.

Dan Remick said that there would only be around 7 people at a time working on these construction sights, compared to the 150 workers who built the school every day. But signage during construction is a great idea. Steve Burns said that having flaggers when heavy equipment is there is good, but not necessary while the carpenters are there alone. Barrie Munro suggested a temporary speed limit change. Steve Burns said that that was up to the Police Department. Glenn Farrell said that having a flagger and putting signage at both ends, when there is work going on, as determined by the Police Chief, should go into the plan notes. Barrie said that in the list of requirements for the plan notes, the escrow amount, and how it will be distributed, should be included. As well, the site plan, setbacks from the wetland, and drainage into the Little River have to satisfy the Town's requirements.

Al Bibb moved to provide final approval for the Ridge Subdivision subject to the plan note recommendations, as provided by staff, plus 2 additional notes with respect to having a flagger and signage, and also subject to the addition of monies posted as a guarantee, also to the satisfaction of Staff. Barrie Munro seconded the motion. The motion passed with a 4-0 vote. Dave Marshall abstained from voting, because he had been absent during prior Ridge hearings.

Barrie Munro motioned to ask Staff to arrange for a temporary change in the speed limit in that section of Ridge Road. Al Bibb seconded the motion, which passed 4-0.

Mr. Jellison thanked the Board and expressed appreciation for the neighbors' input. Mr. Bibb echoed appreciation to the neighbors and encouraged the "viewers at home" to get involved in the process as the people appearing before the public hearing did.

Sohier Park, Map 29/Lot 20. Master Plan review for site improvements to landscaping and parking located in the RES-5 Zone

This application was not complete for that night's presentation.

OTHER BUSINESS

Steve Burns had received a June 17, 2002 letter from the DEP approving submitted amendments, making York Shoreland Zoning in full compliance with the State.

Also, at the York Sports Center, where the driveway is currently being installed, some mistakes have been made which the engineers have missed. They are under strict orders to correct and improve them. Barrie Munro added that the buffer was excessively cut.

ADJOURNMENT

The meeting was adjourned. It was 8:45 (that's right, 8:45).